

**REMARKS**

In this Amendment, Applicant has cancelled Claims 1 – 26, without prejudice or disclaimer and added new Claims 27 – 64. Claims 27 – 64 have been added to further specify different embodiments of the present invention. Newly added Claims 61 – 64 have the support in the specification (especially page 2, lines 26 – 30 and page 3, lines 13 – 17). It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination in view of the accompanying remarks.

The specification has been amended to cross reference to the prior parent application. The amendments to the specification are entirely editorial in nature. It is respectfully submitted that no new matter has been introduced by the amended specification. Favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

**PRIORITY**

Examiner indicates that some (but not all) priority documents have been received. Applicant respectfully submits that all five (5) certified copies of Irish Application (No. S980594, S980595, S980596, S980597, S980598,) were submitted on January 21, 2001. Please refer to attached copies of transmittal letter and cover pages of certified priority documents. In addition, the specification has been amended to cross reference to the prior parent application.

**CLAIM OBJECTIONS**

Claims 2, 10, 12, 13, 14 and 21 have been objected because of informality due to typographical errors. It is respectfully submitted that Claims 2, 10, 12, 13, 14 and 21 have been cancelled and corresponding amended Claims 28, 39, 43 – 47 and 55 have

been added. Specifically, the word "ar" has been corrected to read "are" in Claim 28. The word "polylysin" and the word "polyarginin" have been corrected to read "polylysine" and "polyarginine" in Claim 39, respectively. The chemical formula in Claim 39 has been amended to use "(N-(2-hydroxyethyl)-DL-aspartamide)" in stead of "[N-(2-hydroxyethyl)-DL-aspartamide]." The word "gelatine" has been corrected to read "gelatin" in Claim 43. The word "aminoglacane" has been corrected to read "aminoglycan" in Claims 44 – 46. The word "compsition" and "biocompatible" have been corrected to read "formulation" and "biocompatible" in Claim 47. Finally, the word "gelatine" has been corrected to "gelatin" in Claim 55.

In light of the above amendments, the objections to the claims have been overcome. Accordingly, withdrawal of the claim objections is respectfully requested.

#### REJECTIONS UNDER OBVIOUSNESS-TYPE DOUBLE PATENTING DOCTRINE

Claims 1 – 3, 5, 14 – 20, 23, 25 and 26 have been rejected under the judicially created doctrine of double patenting as being unpatentable over claim 1 – 11 of U.S. Patent No. 6,372,718.

Claims 1 – 3, 5, 14 – 20, 23, 25 and 26 have been cancelled. Newly added corresponding Claims 27 – 29, 31, 47 – 54, 57, 59 and 60 further specify the different embodiments of the present invention. Applicant respectfully submits the attached "Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent" in compliance with 37 CFR 1.321(c) to overcome the rejections. It is respectfully submitted that this application and the U.S. Patent No. 6,372,718 are commonly owned by the Applicant.

Claims 1 – 24 have been rejected under the judicially created doctrine of double patenting as being unpatentable over claim 1 – 33 of U.S. Patent No. 6,596,791.

Claims 1 – 24 have been cancelled. Newly added corresponding Claims 27 – 58 further specify the different embodiments of the present invention. Applicant respectfully submits the attached “Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent” in compliance with 37 CFR 1.321(c) to overcome the rejections. It is respectfully submitted that this application and the U.S. Patent No. 6,596,791 are commonly owned by the Applicant.

Therefore, rejections under the judicially created doctrine of double patenting have been overcome. Accordingly, withdrawal of the rejections under the judicially created doctrine of double patenting is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH:

Claims 1, 2, 7, 8, 9, 11, 12, 13, 14, 15 and 17 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

It is respectfully submitted that in view of presently claimed invention, the rejection has been overcome. In particular, Claim 27 has specifically claimed “a polymer chain of the polysaccharide materials.” Claim 28 has specifically claimed “the basic structural units of the polysaccharide material.” Claim 33 has specifically claimed “acrylamide derivatives, methacrylamide derivatives and copolymers thereof.” Claim 34 has deleted “or” and written in proper Markush group format. Claim 47 has deleted “and” and added “or their combination” to specify different embodiments of the present invention. Claim 48 has specified that “their polymeric chain” refer to the polymeric chain of “the polyanhydroglucuronic acid and salts thereof.” The compositions of the carboxyl groups are also specified in the newly added Claim 48. The narrowing limitations following “preferably” and “such as” have been claimed separately in Claims 35 – 37, 40 – 41, 42 – 43, 44 – 46 and 50 – 51. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112 second paragraph is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: November 12, 2003  
(202) 638-6666  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
Atty. Dkt. No.: P66330US0

By J. Holman  
John C. Holman  
Registration No. 22,769

Enclosures:

Terminal Disclaimers  
Previously Submitted Priority Documents